

Department of Justice

§ 5.401

(a) Attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party; and

* * * * *

§ 5.307 Exemption under 3(h) of the Act.

For the purpose of section 3(h) of the Act, the burden of establishing that registration under the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 *et seq.* (LDA), has been made shall fall upon the person claiming the exemption. The Department of Justice will accept as prima facie evidence of registration a duly executed registration statement filed pursuant to the LDA. In no case where a foreign government or foreign political party is the principal beneficiary will the exemption under 3(h) be recognized.

EFFECTIVE DATE NOTE: At 68 FR 33631, June 5, 2003, § 5.307 was added, effective July 7, 2003.

§ 5.400 Filing of political propaganda.

(a) The two copies of each item of political propaganda required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Unit.

(b) Whenever two copies of an item of political propaganda have been filed pursuant to section 4(a) of the Act, an agent of a foreign principal shall not be required, in the event of further dissemination of the same material, to forward additional copies thereof to the Registration Unit.

(c) Unless specifically directed to do so by the Assistant Attorney General, a registrant is not required to file two copies of a motion picture containing political propaganda which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its dissemination. In each such case this registrant shall submit to the Reg-

istration Unit either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 523-73, 38 FR 18235, July 9, 1973; Order No. 568-74, 39 FR 18646, May 29, 1974]

EFFECTIVE DATE NOTE: At 68 FR 33631, June 5, 2003, § 5.400 was amended as follows:

a. The section heading of § 5.400 is revised to read "Filing of informational materials";

b. In paragraph (a) by removing the words "two copies of each item of political propaganda" and adding, in their place, the words "informational materials", and by adding, before the period, the words "no later than 48 hours after the beginning of the transmittal of the informational materials";

c. In paragraph (b) by removing the words "two copies of an item of political propaganda" and adding, in their place, the words "informational materials" and by removing the word "material" and adding, in its place, the word "materials"; and

d. In the first sentence of paragraph (c) by removing the words "two copies of a motion picture containing political propaganda" and adding, in their place, the words "a copy of a motion picture", effective July 7, 2003.

§ 5.401 Dissemination report.

(a) A Dissemination Report shall be filed with the Registration Unit for each item of political propaganda that is transmitted, or caused to be transmitted, in the U.S. mails, or by any means or instrumentality of interstate or foreign commerce, by an agent of a foreign principal for or in the interests of any of his foreign principals.

(b) The Dissemination Report shall be filed on Form OBD-69.

(c) Except as provided in paragraph (d) of this section, a Dissemination Report shall be filed no later than 48 hours after the beginning of the transmittal of the political propaganda.

(d) Whenever transmittals of the same political propaganda are made over a period of time, a Dissemination Report may be filed monthly for as long as such transmittals continue.

(e) A Dissemination Report shall be complete in and of itself. Incorporation

§ 5.402

of information by reference to reports previously filed is not permissible.

(28 U.S.C. 509 and 510; 5 U.S.C. 301)

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 568-74, 39 FR 18646, May 29, 1974; Order No. 960-81, 46 FR 52355, Oct. 27, 1981]

EFFECTIVE DATE NOTE: At 68 FR 33631, June 5, 2003, § 5.401 was removed, effective July 7, 2003. 5.402

§ 5.402 Labeling political propaganda.

(a) Within the meaning of this part, political propaganda shall be deemed labeled whenever it has been marked or stamped conspicuously at its beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) An item of political propaganda which is required to be labeled under section 4(b) of the Act and which is in the form of prints shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) An item of political propaganda which is required to be labeled under section 4(b) of the Act but which is not in the form of prints shall be accompanied by a statement setting forth such information as is required under section 4(b) of the Act.

(d) Political propaganda as defined in section 1(j) of the Act which is televised or broadcast, or which is caused to be televised or broadcast, by an agent of a foreign principal, shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under section 4(b) of the Act.

(e) An agent of a foreign principal who transmits or causes to be transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce a still or motion picture film which contains political propaganda as defined in section 1(j) of the Act shall insert at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof such information as is required under section 4(b) of the Act.

(f) For the purpose of section 4(e) of the Act, the statement that must pref-

28 CFR Ch. I (7-1-03 Edition)

ace or accompany political propaganda or a request for information shall be in writing.

EFFECTIVE DATE NOTE: At 68 FR 33631, June 5, 2003, § 5.402 was amended as follows:

a. The section heading of § 5.402 is revised to read "Labeling informational materials";

b. In paragraph (a) by removing the words "political propaganda" and adding, in their place, the words "informational materials", by removing the words "it has" and adding, in their place, the words "they have", and by removing the word "its" and adding in its place, the word "their";

c. In paragraph (b) by removing the words "An item of political propaganda which is" and adding, in their place, the words "Informational materials which are", and by removing the word "is" from the phrase "which is in the form of prints" and adding, in its place, the word "are", and by removing the word "item" from the phrase "such item" and adding, in its place, the word "materials";

d. In paragraph (c) by removing the words "An item of political propaganda which is" and adding, in their place, the words "Informational materials", and by removing the word "is" from the phrase "which is not in the form of prints" and adding, in its place, the word "are";

e. In paragraph (d) by removing the words "Political propaganda as defined in section 1(j) of the Act which is" and adding, in their place, the words "Informational materials that are", and by removing the word "is" before the word "caused" and adding, in its place, the word "are";

f. In paragraph (e) by removing the words "political propaganda as defined in section 1(j) of the Act" and adding, in their place, the words "informational materials"; and

g. In paragraph (f) by removing the words "political propaganda" and adding, in their place, the words "informational materials", effective July 7, 2003.

§ 5.500 Maintenance of books and records.

(a) A registrant shall keep and preserve in accordance with the provisions of section 5 of the Act the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of any of his foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to